

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Bowers, Craig M.
RECKITT BENCKISER PLC
Group Patents Department
Dansom Lane
Hull HU8 7DS
GRANDE BRETAGNE

CASE NUMBER

DIARY

RECORDS

INVOICE

ACKNOWLEDGE

RENEWALS

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

05.08.2004

Applicant's or agent's file reference
11051P4 WO/CMB

IMPORTANT NOTIFICATION

International application No.
PCT/GB 03/02752International filing date (day/month/year)
27.06.2003Priority date (day/month/year)
28.06.2002

Applicant

RECKITT BENCKISER N.V. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:

European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Christensen, J

Tel. +49 89 2399-8052





PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 11051P4 WOCMB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/02752	International filing date (<i>day/month/year</i>) 27.06.2003	Priority date (<i>day/month/year</i>) 28.06.2002
International Patent Classification (IPC) or both national classification and IPC C11D3/40		
Applicant RECKITT BENCKISER N.V. et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 27.01.2004	Date of completion of this report 05.08.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Drew, C Telephone No. +49 89 2399-8494 <div style="text-align: right;">  </div>	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/02752

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-15 as originally filed

Claims, Numbers

1-34 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/02752

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-3,5-34
Inventive step (IS)	Yes: Claims	
	No: Claims	4
Industrial applicability (IA)	Yes: Claims	1-34
	No: Claims	

2. Citations and explanations

see separate sheet

Section V

- 1 The following documents (D) from the international search report will be referred to:

D1 WO 02/38720 A (UNILEVER PLC ;LEVER HINDUSTAN LTD (IN);
UNILEVER NV (NL)) 16 May 2002 (2002-05-16)

D2 GB-A-2 194 793 (UNILEVER PLC) 16 March 1988 (1988-03-16)

2 *Novelty (Article 33(2) PCT)*

- 2.1 D1 relates to abrasive hard surface cleaning compositions including a clear aqueous gel and macroscopic abrasive particles dispersed therein. According to page 7, lines 23 to 25 the particles and gel may have different shades of the same colour, e.g. dark blue particles in a light blue gel. In this case the particles would intensify the colour of the gel. Alternatively, from page 7, lines 27 and 28, particles and gel may have different colours. Here, light from the particles would react with light from the gel to yield a third colour. D1 therefore detracts from the novelty of claims 1, 2 and 8 to 34.
- 2.2 D2 is concerned with liquid detergent compositions including a suspending base (gel) and pigment particles. According to page 1, lines 91 and 92 different coloured particles may be present. Light from the differently coloured particles would therefore yield a third colour. D2 therefore detracts from the novelty of claims 3 and 5 to 34.
- 2.3 Claim 4 would seem to be novel.

3 *Inventive Step (Article 33(3) PCT)*

D1 already suggests that light from gel and particles can interact to produce a third colour and D2 that light from differently coloured particles can also interact to form a third colour. The subject matter of claim 4, in which light from gel, first and second particles interacts to form a fourth colour, would therefore appear to be obvious.

- 4 *Other Matters (including Article 6 PCT, clarity and conciseness)*
- 4.1 It is not correct to refer, both in the claims and description, to the radiation "emitted" by the gel and particles given that they appear coloured by only virtue of the radiation they "reflect".
- 4.2 The number of claims is out of all proportion to the complexity of the subject matter of the application.
- 4.3 Example 2 extends beyond the claims to the situation in which gel and particles are of the same colour.
- 4.4 From example 3 the impression is gained that the light transmittance of the gel is an essential technical feature.
- 4.5 Since independent claim 2 contains all the features of claim 1 it would appear to be appropriate for it to be rewritten in dependent form.
- 4.6 The wording "radiation emitted by the "appears to be missing between "with" and "the" from line 3 of claim 4 and the corresponding passage in the paragraph bridging pages 4 and 5.
- 4.7 Claim 8 and the first sentence of the third paragraph on page 4 are not in agreement concerning whether the light transmittance values quoted are of the gel or of the final composition.
- 4.8 Contrary to the statement in the centre of page 12 the table on this page shows the full detergent composition.